



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL AGENDA WORK SESSION

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Monday, July 8, 2013

5:15 PM

Council Chamber

---

**Presiding:** R. Steve Tumlin, Mayor

**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, Andy Morris, Anthony Coleman, Jim King and Philip M. Goldstein

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor Tumlin called the meeting to order at 5:18 p.m.*

### MINUTES:

**20130749      Regular Meeting - June 10, 2013**

Review and approval of the June 10, 2013 regular meeting minutes.

*The June 8, 2013 minutes were amended to add the stipulations related to the property acquisitions on page 6.*

**Tabled**

### BUSINESS:

**20130735      BLW Report**

Council Member Johnny Sinclair gives the Board of Lights and Water (BLW) report for the meeting held on Monday, July 8, 2013.

*Council member Sinclair reported on the actions of the Board of Lights and Water at their July 8, 2013 regular meeting. Finance Director Sam Lady reported on the BLW finance statements. (See the July 8, 2013 regular Board of Lights and Water meeting minutes for details.)*

**Reported**

**20130739 Quiet Railroad Crossings**

Presentation on quiet railroad crossings by Kee Carlisle, Vision 20/20 Committee.

**Presented**

**20130758 Selection of the auditing firm for FY2013**

Discussion concerning selection of an Audit Services firm for the FY2013 Audit.

*Motion to proceed with a contract with Crace Galvis McGrath, LLC in the amount of \$68,560 to perform the audit of fiscal year 2013.*

**The motion was made by Council member Goldstein, seconded by Council member Coleman, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Recommended for Approval - Consent Agenda**

**20130741 Marietta Redevelopment Corporation Officers**

Consideration of the recommendation from the Marietta Redevelopment Corporation (MRC) Board of Directors to appoint Ron Francis as Chairman and Terry Lee as Vice Chairman of the Marietta Redevelopment Corporation for a one (1) year term.

**A motion was made by Council member Sinclair, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Recommended for Approval - Consent Agenda**

**20130606 Planning Commission Appointment**

Consideration of an appointment to the Planning Commission (Ward 3), for a three year term.

**A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Council Agenda Non Consent**

**20130701**

**FY 2013 CDBG Projects**

Review and Selection of FY 2013 CDBG Projects. Once this is decided on by Council, the Sub-Recipient Agreement will be updated and provided for approval.

*Staff presented several options regarding the FY2013 CDBG Projects. Discussion was held.*

*Motion to move forward with the FY 2013 CDBG Project List as follows:*

*Public Services: Option C Fund Marietta PAL/YELLS and one of the other two. Marietta Mentoring for \$5,000 and PAL/ Yells for \$78,500.*

*City CDBG Projects: Option B Eliminate the \$20,000 grant to the Cobb Micro Enterprise program and \$106 from Housing Rehab.*

*Further, the approval of a Resolution authorizing the execution of the FY 2013 CDBG Program Sub-Recipient Agreement with Cobb County was also added to the Council agenda. (Agenda item 20130564.)*

**The motion was made by Council member Lewis, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Approval - Consent Agenda**

**20130560**

**Detail Plan for Manget Phases II, III & IV**

Discussion of Motion to approve the Detailed Plan for Manget Phase II, III & IV, signed by the owner and dated July 10, 2013, in accordance with Section 708.14(J.4) of the Marietta City Code, with the following conditions:

1. The following area requirements are incorporated as development standards:
  - a. Minimum Lot Size                      -    1,500 sq.ft.
  - b. Minimum Lot Width                      -    34 ft.
  - c. Maximum Impervious Surface Area   -   50% (for entire development)
  - d. Minimum Open Space                   -   40% (for entire development)
  - e. Maximum Floor Area Ratio (FAR)-    0.55 (for entire development)
2. Prior to the issuance of the first Certificate of Occupancy for these three phases, the Manget Home Owners Association will include in their protective covenants provisions to enforce parking regulations on private streets within the community. These covenants must be recorded at the Cobb County Clerk of the Superior Court's office.

3. Corner visibility clearance shall be maintained within 15 feet of the intersection of the right of way or alley, unless approved by the Public Works Director and Director of Development Services. [716.04]
4. Any encroachments into the stream buffers must be in compliance Stream Buffer Ordinance.
5. Minimum travelway widths for one-way alleys will be 14' and two-way streets will be 20'.

In addition, the following variances are approved:

1. Variance to reduce the 30' buffer adjacent to 271, 279 & 287 Lakewood Drive. If buffer is disturbed by developer while grading the proposed stormwater pond or other activities, the Developer will be required to install a 6' high opaque fence and evergreen trees 12' o.c. staggered. [708.14(I)]
2. Variance to allow private alleys as a primary means of access. [716.06]
3. Variance to waive cul-de-sac requirements. [730.01(E)]
4. Variance to reduce the minimum radii of horizontal curvature of the centerline from 100 ft. [730.01(H.1)]
5. Variance to provide street trees only along the public streets as shown on the submitted plans. [712.08]
6. Variance to allow street trees in right of way, as shown on the submitted plans. [712.08(D)]
7. Variance to allow understory/ornamental trees such as dogwood, crape myrtles, flowering cherry, etc. due to overhead utilities and allow them to be 2" caliper at the time of planting. [712.08 (G)(2)(b)]
8. Variance to exempt L-22 from street tree requirements should the drainage easement remain as shown. [712.08 (G)(2)(b)]

In order to ensure that homes built within the Manget development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by Brockbuilt Homes and approved by the City of Marietta, dated July 10, 2013. Design features, standards, and requirements incorporated in the homes shall be as follows:

- a. Mixture of materials, with material changes taking place on the interior corners or where roof massing accommodates the change of materials. Mixture of the materials should continue, as appropriate, onto the side and rear elevations, i.e. water tables.
- b. Window muntins appropriate to the style of the home on all four sides of the residence.
- c. Shutters on front, side and rear elevations of the homes, where they can be seen from the public or private streets, and where functionally appropriate.
- d. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.), except on basement level. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.

In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

*Discussion was held regarding the detailed plan, the various variances requested, the private alleys and on street parking incorporated the development.*

*A motion was made to move this matter forward to the Council agenda with amendments to variances number 1 and 4. Variance number 8 should be removed in its entirety.*

**The motion was made by Council member Goldstein, seconded by Council member Lewis, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Council Agenda Non Consent**

*A motion was made by Council member Goldstein, seconded by Council member King, to add an item to the Council agenda to approve private alleys within the Manget development, Phases 2, 3 & 4, including a variance to allow the alleys to be a primary means of access to the residences within the development. Further, the developer is required to install "No Parking" signs on all alleyways.*

**The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Approval - Consent Agenda**

**20130685**

**Speed Table Policy**

Recommendation to modify the Speed Hump Policy presented by city staff.

*Discussion was held regarding the current Speed Hump Policy. There was general agreement not to include language that would require ballots to be resealed immediately after counting and not be released to the public.*

*Other suggestions were made regarding amendments to clarify the policy; however, this matter did not move forward.*

**Discussed**

**20130730**

**CSX Contract**

Motion to approve the Construction Agreement from CSX Transportation for the construction of a quad-gate and warning system at the Waverly Way crossing.

*Council member Goldstein disclosed that he, family members and/or an entity that he owns, own or lease property adjacent to CSX railroad right-of-way.*

**The motion was made by Council member Lewis, seconded by Council member Chalfant, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Recommended for Approval - Consent Agenda**

**20130738      Temporary Speed Hump - Marble Mill Road and Kennesaw Avenue**

Discussion regarding adding a temporary speed hump to the corner of Marble Mill Road and Kennesaw Avenue that was taken from Wright Street as requested per Council Member Morris.

**Removed**

**20130736      Draft City Council Agenda**

Review and approval of the June 10, 2013, DRAFT City Council Agenda.

*-Agenda item 20130725 was amended to read, "Motion to rescind employment of bond advisors and bond attorney (Legistar #20130389) adopted on April 17, 2013."*

*-under Minutes: Agenda item 20130751 was added to consent and amended to note that Council member Goldstein spoke under Appearances, page 13.*

*-under Ordinances: Agenda item 20120819 was added to consent with an amendment to Map #23. A revised map should be submitted.*

*- under Ordinances: Agenda item 20130576 was added to consent and amended to refer back to Planning Commission and authorize advertisement. Show Council members Morris, Sinclair and Goldstein opposed.*

*-under Economic Development: Agenda items 20130753, 20130724 and 20130726 were moved to page 2 under the rescission items.*

*- under Economic Development: Agenda item 20130729 was amended to read, "Motion to authorize the City Attorney to draft an IGA with the Marietta Housing Authority relating to the Urban Redevelopment Bond, to be brought back for Council approval."*

*-under Public Works: Agenda item 20130684 was added to consent and amended to read, "Motion authorizing Public Works to collect updated traffic speed and volume data for Wood Valley Drive and Hickory Drive and to postpone opening Hickory Drive and Woodvalley Drive ballots until further notice." Show Council members Sinclair and Coleman opposed.*

*-under Other Business: Agenda item 20130765 was amended to read, "Motion to "stay" the current "Speed Hump" policy and suspend and hold all activities of whatever nature and whatever stages thereto, other than those actions already approved by Council, so as to be reviewed and revised as to clarity, definitiveness, completeness, conclusiveness, and reasonableness. Establish an ad hoc review committee of 3 members, with Mayor as Chairman, J/L Chair and*

*Public Works Chair, to address the "language" of the Policy with deference as to substance and purpose for council. Ad Hoc committee to meet, recommend changes to be presented to Council for consideration by August Council meeting. To include a Recommendation with advice of City Attorney as to effective date of final revised Policy or applicability of actions taken under a previously approved Policy."*

*-under Other Business: Agenda item 20130752 was added consent.*

**Discussed**

**20130737**

**Executive Session**

Executive Session to discuss legal, personnel and/or real estate matters.

**A motion was made in open session by Council member King, seconded by Council member Sinclair, to enter an Executive Session to discuss real estate matters. The motion carried by the following vote:**

**Vote: 6 - 1 - 0                      Approved**

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, Andy Morris, Anthony Coleman and Jim King

Voting Against: Philip M. Goldstein

*The Executive Session was held.*

**A motion was made in open session by Council member Goldstein, seconded by Council member King, to close the Executive Session. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Approved**

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, Andy Morris, Anthony Coleman, Jim King and Philip M. Goldstein

*Council member Goldstein disclosed that he, family members and/or an entity that he owns, own or lease property adjacent to CSX railroad right-of-way. Council member Goldstein then left the dais.*

*A motion was made by Council member King, seconded by Council member Lewis, to add the following property acquisition to the Council agenda: Motion authorizing acquisition of the easements as shown on the attached exhibits along the Western & Atlantic Railroad Right-of-way from State Properties Commission for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$136,320.00 to the State Properties Commission and \$32,120.00 to CSX Transportation.*

**The motion carried by the following vote:**

**Vote: 6 - 0 - 0                      Recommended for Approval - Consent Agenda**  
Absent for the vote: Philip M. Goldstein

**ADJOURNMENT:**

*The meeting was adjourned at 10:27 p.m.*

**Respectfully submitted,**

\_\_\_\_\_  
**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_